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14 UNITED STATES DISTRICT COURT  
15 DISTRICT OF NEVADA  
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17 MICHAEL PACHECO, ) 3:07-cv-00589-HDM-RAM  
18 Plaintiff, )  
19 vs. ) ORDER  
20 HOWARD SKOLNIK, et al., )  
21 Defendants. )  
22

23 The court has considered the report and recommendation of the  
24 United States Magistrate Judge (#51) filed on June 9, 2009, in  
25 which the Magistrate Judge recommends that this court grant  
26 defendants' motion for summary judgment (#23). Plaintiff opposed  
27 the summary judgment motion (#30), and defendants filed a reply  
28 (#32). No objections to the report and recommendation have been

1 filed, and the time for filing any objections has expired.

2 The court has considered the pleadings and memoranda of the  
3 parties and other relevant matters of record and has made a review  
4 and determination in accordance with the requirements of 28 U.S.C.  
5 § 636 and applicable case law, and good cause appearing, the court  
6 hereby

7 **ADOPTS AND ACCEPTS** the report and recommendation of the United  
8 States Magistrate Judge (#51).

9 The court does not consider assertions raised by the plaintiff  
10 for the first time in his opposition, namely his claim that his  
11 itching is caused by an untreated Hepatitis C condition. The  
12 magistrate judge properly found that on a number of occasions  
13 between June 2007, when plaintiff arrived at Northern Nevada  
14 Correctional Center, and April 2008, when he filed this action,  
15 plaintiff received medications and topical creams and ointments for  
16 his condition. During this time, plaintiff was seen frequently by  
17 medical staff and was evaluated by a mental health professional.  
18 Plaintiff also underwent a CT scan, and his doctor conferred with  
19 both a dermatologist and a gastroenterologist regarding his skin  
20 condition. Plaintiff failed to show for several scheduled medical  
21 appointments, and discontinued use of many of the prescribed  
22 medications. The record is thus clear that defendants have treated  
23 plaintiff extensively for his skin condition. That magistrate  
24 judge properly concluded that plaintiff's assertion that he is not  
25 receiving the medical treatment he feels he should receive does not  
26 state a claim, and that plaintiff has otherwise failed to raise a  
27 triable issue of fact that defendants have been deliberately  
28 indifferent to his serious medical need.

